IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 16.10.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM

and

The Hon'ble Mr. Justice S.TAMILVANAN

Habeas Corpus Petition No.783 of 2006

Muniyandi ... Petitioner

Vs.

1.State rep. by the
Secretary to Government,
Prohibition and Excise Department,
Fort St.George,
Chennai-9.

2. The District Magistrate and
District Collector,
Virudhu Nagar District @
Virudhu Nagar. ... Respondents

Petition under Article 226 of the Constitution of India for the issuance of a Writ of Habeas Corpus to call for the records of the second respondent, pertaining to the order made in Cr.M.P.No.14 of 2006 dated 24.07.2006 in detaining the detenu under Tamil Nadu Act 14 of 1982, as a Drug Offender and quash the same and direct the respondents to produce the detenue, namely, M.Kasi Ammal, W/o Malaisamy, aged 45 years, who is detained at the Special Prison for Women, Tiruchy, before this Court and set her at liberty.

For Petitioner : Mr.Veera Kathiravan

For Respondents : Mr.M.Babu Muthu Meeran
Addl. Public Prosecutor

O R D E R

(Order of the Court was made by P.SATHASIVAM,J.)

The petitioner, who is the cousin of the detenue, by name Kasi Ammal, who is detained as a ''Drug Offender" as contemplated under the Tamil Nadu

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Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Slum Grabbers and Video Pirates Act, 1982 (Tamil Nadu Act 14 of 1982), by the impugned detention order dated 24.07.2006, challenges the same in this Petition.

2. Heard learned counsel for the petitioner as well as learned Additional Public Prosecutor for the respondents.

3. At the foremost, the learned counsel for the petitioner submitted that in view of the fact that the sponsoring authority has referred to the fact that the detenue is going to be detained under Act 14 of 1982 in the letter addressed to the Assistant Director, Forensic Laboratory, Madurai it reflects the pre-determination on the part of the detaining authority in detaining the detenue at any cost.

4. We verified the communication dated 14.07.2006. The said letter sent by the Deputy Superintendent of Police, Srivalliputhur to the Assistant Director, Forensic Laboratory, Madurai wherein he requested the Officer to send an inspection report in respect of the seized properties already sent for examination, since the same is required for taking appropriate action under the Tamil Nadu Act 14 of 1982. First of all, it is not an information to any one including the detenue or to a competent Court. The said letter according to the Deputy Superintendent of Police was written in order to get a report urgently and it also shows that in order to get priority, a reference was made to the effect that action is being taken under Act 14 of 1982. It is not a view of the detaining authority as claimed by the learned counsel for the petitioner. The reference made in the communication addressed to the Laboratory cannot construed that the detaining authority has predetermined to detain the detenue at any cost. Accordingly, we reject the said contention.

5. Learned counsel for the petitioner next submitted that even though the ground occurrence is stated to have taken place on 13.07.2006, the detaining authority in paragraph No. 3(i) of the grounds of detention has mentioned the said date as 13.06.2005, which shows the non-application of mind on the part of the detaining authority and seeks intervention by this Court.

6. We are unable to accept the said contention. Except in paragraph No.3(i) in all other places including the Tamil version of the grounds of detention, the ground occurrence has been correctly stated as 13.07.2006. In view of the fact that except in one place, in all other places including the Tamil version, the ground occurrence has been correctly stated, viz., 13.07.2006, we are satisfied that the detenue is no way prejudiced for the said mistake. Accordingly, we reject the said contention.

7. Finally, the learned counsel for the petitioner submitted that the arrest and the passing of the detention order were not intimated to the family members of the detenue.

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8. Learned Additional Public Prosecutor by placing the records submitted that the arrest was intimated to her son by name Selvam and the detention order was intimated to her husband viz., Malaisamy. The necessary endorsements are available in the original records. Accordingly, we reject the said contention.

9. In the light of what is stated above, we do not find any valid ground for interference. Accordingly, this Habeas Corpus Petition fails and the same is dismissed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

gms

To
1.Secretary to Government,Prohibition and Excise Department,
Fort St.George, Chennai-9.

2. The District Magistrate and District Collector,
Virudhu Nagar District @Virudhu Nagar.

3. The Superintendent, Special Prison for Women, Tiruchy.
(In duplicate for communication to detenu)

4. The Joint Secretary to Government, Public (Law and Order)
Fort St. George, Chennai-9.

5.The Public Prosecutor, High Court, Madras.

+ 1 CC To Mr. Veera Kathiravan, Advocate SR NO. 48709

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